

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FILED  
JUN 20 2013

Clerk, U S District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN STEWART DAVIS,

Defendant.

CR 15-27-M-DLC

FINDINGS AND  
RECOMMENDATION  
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of engaging in the business of dealing in firearms without being a licensed firearms dealer in violation of 18 U.S.C. § 922(a)(1)(A) (Count I), one count of transferring a firearm which was not registered in the National Firearms Registration & Transfer Records in violation of 26 U.S.C. §§ 5812, 5861(e) and 5871 (Count VIII), and one count of the possession of firearms that were not registered in the National firearms Registration & Transfer Record in violation of 26 U.S.C. §§ 5812, 5861(d) and 5871 (Count X), all as charged in the Indictment filed against Defendant. In exchange for Defendant's pleas, the United States agrees to dismiss Counts II-VII, and IX of the Indictment.

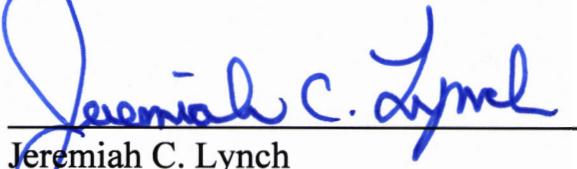
After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,
2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the guilty pleas are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

Therefore, I recommend that the Defendant be adjudged guilty of Counts I, VIII and X of the Indictment, and that sentence be imposed. I further recommend that Counts II-VII, and IX of the Indictment be dismissed.

**This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.**

DATED this 20<sup>th</sup> day of June, 2016

  
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Jeremiah C. Lynch  
United States Magistrate Judge